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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,230	09/16/2003	J. Patrick Fex JR.	102-1219	2114

7590 02/09/2005

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,230

Applicant(s)

FEX, J. PATRICK

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,711,470 to Hartenstein et al.

Regarding claims 1, 10 and 19, Hartenstein discloses a method of monitoring and adjusting air quality within a building having a plurality of pressure sensors throughout the building (column 4, lines 22-26), a connection means for connecting the sensors and an analysis means for collecting sensor data (fig. 3) and providing sensor output (fig. 1).

Regarding claims 2, 11 and 20, Hartenstein discloses the regulation of pressure on each floor (column 10, lines 15-18 and column 7, lines 18-21).

Regarding claims 3, 12 and 21, Hartenstein discloses sensor data input from throughout the building (fig. 3: 60, 82 & 84).

Regarding claims 5, 15 and 23, Hartenstein discloses outside pressure sensors, sensors from floors, or from parts of floors (column 7, lines 18-21 & 26-29).

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Regarding claims 6, 15 and 24 Hartenstein discloses the sensors as being located within ducts (column 7, lines 62-65). Ducts are inherently located within floors, ceilings and walls.

Regarding claims 7, 16 and 25, Hartenstein discloses a plurality of sensors throughout floors (column 7, lines 18-21 & 26-29).

Regarding claims 9, 18 and 27, Hartenstein discloses the sensors as being located within ducts (column 7, lines 62-65). Ducts are inherently located within floors, ceilings and walls.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 13, 17, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,711,470 to Hartenstein et al.

Regarding claims 4, 13 and 22, Hartenstein discloses the acquisition of pressure and other various data to calculate an optimum environment through the processing of data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hartenstein to include a maximum, minimum and average pressure indicator to provide the end user with more data for temperature adjustments.

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Regarding claim 8, 17 and 26, Hartenstein discloses the sensors throughout the building located wherever there is a heating or cooling, but does not specifically disclose the sensors as mounted on walls, floors or ceilings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hartenstein by putting sensors on walls, floors, and ceilings, as common construction practice places them in these areas, in order to sample the air within a room, near the floor or near the ceiling.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to controlled buildings in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK


Basil Katcheves

2/2/05

Examiner AU 3635